

Message

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AM
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Subject:[SPAM] The Firms **ENVIRONMENTAL**
That Won Big At The
Supreme Court

Tuesday, June 27, 2017

SUPREME COURT REVIEW

The Firms That Won Big At The Supreme Court

One firm went undefeated at the U.S. Supreme Court this term. Another built on last year's winning streak. And some high court powerhouses took their lumps. Here, Law360 breaks down how the firms most frequently seen at oral arguments performed this term. [Read more »](#)

The Supreme Court Term By The Numbers

Despite a contentious confirmation hearing for Justice Neil Gorsuch, the U.S. Supreme Court term itself was mellow this year, with more unanimous cases and fewer controversial decisions. Still, there were a handful of business rulings that packed a punch. [Read more »](#)

IP Cases Led The Pack In High Court Amicus Briefs

Intellectual property cases took four of the top 10 spots on Law360's ranking of the U.S. Supreme Court cases that attracted the most amicus briefs this term, as disputes involving issues like patent exhaustion and offensive trademarks each generated dozens of amicus filings. [Read more »](#)

TOP NEWS

Supreme Court Won't Review EPA Boiler And Incinerator Rule

The U.S. Supreme Court on Monday refused to consider an electricity wholesaler's bid to strike down the U.S. Environmental Protection Agency's emissions rule for boilers and incinerators, which set standards that the company argued are impossible to meet. [Read more »](#)

Monsanto Can't Nix Calif.'s Add Of Herbicide To Cancer List

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LAW FIRMS

Abrams & Bayliss
Akin Gump
Arnold & Porter Kaye Scholer
Bancroft PLLC
Bradley Arant
Bryan Cave
Cairncross & Hempelmann
Chadbourne & Parke
Cohen Milstein
Comeau Maldegen
Covington & Burling
Davis Polk
Dentons

The California Supreme Court on Thursday rejected Monsanto Co.'s effort to stay a decision sending the herbicide glyphosate, a key ingredient in the company's Roundup product, to the state's list of cancer-causing chemicals, after a similar stay was rejected by a lower appeals court. [Read more »](#)

High Court Scraps NM Suit Against Colo. Over Gold King Mine

The U.S. Supreme Court on Monday rejected New Mexico's attempt to sue Colorado over the Gold King Mine disaster, an incident that sent 3 million gallons of toxic mine water downstream from Colorado into New Mexico. [Read more »](#)

Calif. Appeals Court Orders Sewer System Enviro Review

A California appeals court on Friday ordered an air quality district to complete an environmental review of a sewer system that manages oily water from a rail-to-pipeline transfer terminal owned by Plains All American Pipeline LP, reversing a lower court judgment that said no review was necessary. [Read more »](#)

8th Circ. Won't Revive Spiked \$16M Easement Deduction

A Missouri golf-course-owning partnership still can't claim a \$16.4 million IRS deduction for donating course land for conservation purposes after an Eighth Circuit panel sided with a U.S. Tax Court judge Monday in a published opinion agreeing that existing bank loans compromised the donation's status as "in perpetuity." [Read more »](#)

POLICY & REGULATION

OSHA Floats Pulling Back Some Parts Of Beryllium Rule

The Occupational Safety and Health Administration has proposed pulling back certain protective measures covering workers in the construction and shipyard industries included in its rule limiting workplace exposure to beryllium, a material that can lead to lung disease, though it will leave in place new exposure limits. [Read more »](#)

Top Senate Democrats Call To Lift Gov't Spending Caps

Democratic Senate leaders urged their GOP counterparts to increase both defense and nondefense spending next year, positioning themselves for the latest fight over government funding in a process that is months behind schedule. [Read more »](#)

U.S. Mayors Make Clean Energy Reliance A National Priority

The U.S. Conference of Mayors concluded its annual meeting Monday in Miami Beach, Florida, by announcing its members voted unanimously to make a commitment to moving their cities toward 100 percent use of clean and renewable energy by 2035. [Read more »](#)

Divided Pa. House OKs Controversial Coal Mining Measure

In a move blasted by Democrats as a giveaway to Consol Energy Inc. as the company faces a legal challenge over the environmental impact of its subsidiary's coal mining operations, a divided Pennsylvania House of Representatives approved a bill Monday that would clarify standards for proving mine-related pollution. [Read more »](#)

ENFORCEMENT

Earthjustice
Frederick Perales
Fried Frank
Gibson Dunn
Goldberg Segalla
Goldstein & Russell
Hinshaw & Culbertson
Hogan Lovells
Holland & Hart
Hughes Hubbard
Jenner & Block
Kahn Soares
Kasowitz Benson
Kazmarek Mowrey
Kelley Drye
Kessler Topaz
Kirkland & Ellis
Latham & Watkins
Lippes Mathias
Liskow & Lewis
Lloyd Gosselink
Long & Levit
Mayer Brown
McDermott Will
McGuireWoods
Milbank Tweed
Morris Nichols
Morrison & Foerster
Paul Hastings
Paul Weiss
Pepper Hamilton
Perkins Coie
Prickett Jones
Quinn Emanuel
Richards Layton
Ropes & Gray
Sidley Austin
Skadden
Squire Patton Boggs
Susman Godfrey
Van Ness Feldman
Western Environmental Law
Center
Williams & Connolly
WilmerHale
Wilson Sonsini
Young Conaway

Feds, Colorado Accuse Energy Co. Of CAA Violations

The federal government and the state of Colorado on Monday hit PDC Energy Inc. with a lawsuit alleging unlawful emissions from storage tanks in the state in violation of the Clean Air Act. [Read more »](#)

LITIGATION

Court Won't Stop Helicopter, Gun Use In Wis. Recreation Area

A Wisconsin federal court on Monday declined an environmental group's request to halt three high-impact uses of land at a recreational area, deciding that activities including helicopter training aren't likely to cause permanent harm before the case can be heard on the merits. [Read more »](#)

Enviros Can't Score Win Against Exxon In Chemical Plant Suit

A Louisiana federal judge on Friday refused to confirm that an environmental group has the right to pursue its lawsuit alleging Exxon Mobil Corp.'s Baton Rouge chemical plant violated the Clean Air Act, saying she needs more information before deciding the question. [Read more »](#)

Texas Justices To Review Uranium Mine's Water Quality Deal

The Texas Supreme Court on Friday agreed to review a uranium ore mining company's argument it complied with a settlement to restore Kleberg County water wells to their pre-mining water quality, while the county contends URI used the wrong data to measure a well's baseline quality. [Read more »](#)

DC Circ. Won't Rehear Case On Wind Farm Power Contract

The D.C. Circuit on Friday rejected a request by a wind farm and renewable energy advocates to rehear its decision that upheld the Federal Energy Regulatory Commission's ruling that forced Portland General Electric Co. to purchase the wind farm's power using a method the farm didn't like. [Read more »](#)

9th Circ. Asked For Full Review Of Blocked Logging Project

A logging company and a union on Friday asked the full Ninth Circuit to rethink halting a harvesting project in Roseburg, Oregon, after environmental groups raised concerns over owl protection, saying the ability to bring nonagency appeals of remand orders shouldn't be tied to whether the agency itself has moved for appellate review. [Read more »](#)

Oil Cos. Blast Enviros' Bid To Block NM Drilling Permits

The oil industry urged a federal court Friday to reject environmental groups' bid for a quick win in their challenge to the U.S. Bureau of Land Management's approval of more than 350 permits to drill in New Mexico's Mancos Shale formation. [Read more »](#)

Analysis

Divergence In Materiality Tests Narrower Than It May Seem

Although the Second Circuit last week used strong language when it rejected a First Circuit test for assessing the materiality of certain financial information omitted from company registration statements, experts say the

COMPANIES

Advocate Health Care Inc.
Allergan PLC
American Bar Association
American International Group Inc.
American Municipal Power Inc.
American Petroleum Institute Inc.
Amgen Inc.
Apple Inc.
Aurobindo Pharma Limited
BP p.l.c.
Bristol-Myers Squibb Company
CONSOL Energy Inc.
Center for Biological Diversity Inc.
ConocoPhillips
Costco Wholesale Corporation
Dignity Health
Evercore Partners Inc.
ExamWorks Group Inc.
Exxon Mobil Corporation
Facebook
Fannie Mae
Florida Bar Association
Friedman LLP
Goldman Sachs Group Inc.
Google Inc.
Intel Corporation
JPMorgan Chase & Co.
Kraft Foods Inc.
LegalZoom.com Inc.
Leonard Green & Partners LP
Lexmark International, Inc.
Life Technologies Corporation
McKesson Corporation
Monsanto Company
National Association of Attorneys General
National Wildlife Federation
Natural Resources Defense Council
New Jersey State Bar Association
New York Times Co.
New York University
Novartis AG
Plains All American Pipeline, L.P.
Planned Parenthood Federation
Portland General Electric Co.

alternative laid out by the court sets an equally high bar for IPO investor suits. [Read more »](#)

Ga. Wants In On Suit Over Water Plan For River Basin

Georgia asked Monday for permission to intervene in a suit challenging the environmental impact statements used to update the U.S. Army Corps of Engineers' plan to manage the Apalachicola-Chattahoochee-Flint River basin, arguing that the state should be involved in a case involving its water usage. [Read more »](#)

DEALS

Real Estate Rumors: JPMorgan, Pacific Urban, Mountain View

J.P. Morgan Asset Management has loaned \$32 million for a Texas multifamily purchase, Pacific Urban Residential has reportedly dropped \$73 million on a California apartment complex, and a California environmental body is now recommending that far fewer apartments be built in Silicon Valley's North Bayshore area. [Read more »](#)

EXPERT ANALYSIS

2 Diverging Standards On Disclosing Interim Financial Info

With the Second Circuit's opinion in *Stadnick v. Vivint Solar*, we now have a situation where two federal appellate courts have promulgated differing standards to determine when companies making initial public offerings must disclose interim financial information. The question is whether we have a "split between the circuits" of the kind that might attract the attention of the U.S. Supreme Court, says Kevin LaCroix of RT ProExec. [Read more »](#)

State AGs Responding To Trump Policies: 3 Areas To Watch

The federal government's unfolding enforcement priorities have galvanized state attorneys general into action. We expect this trend to continue, say attorneys with Akin Gump Strauss Hauer & Feld LLP. [Read more »](#)

Bucking Tradition: NewLaw And The Coming Millennials

What law firms should be learning from a number of recent surveys is that they will not be able to rely on the never-ending flood of associate candidates their business model demands as long as they require them to dedicate all day, most nights, every weekend and all holidays to firm business, says Jill Dessalines, founder of Strategic Advice for Successful Lawyers and former assistant GC at McKesson Corp. [Read more »](#)

LEGAL INDUSTRY

Analysis

Dentons' Low-Tech Email Breach Shows Firms' Vulnerability

The arrest Thursday of a former Dentons litigation associate for allegedly trying to extort firm partners using information taken from a superior's email account cast a spotlight on how even the most robust cybersecurity measures can fall short if basic good practices are not maintained. [Read more »](#)

3 Reasons Litigators Fear the Calif. Gibson Dunn DQ Ruling

Promega Corp.
R-T Specialty LLC
Samsung Electronics Co. Ltd.
Sanofi-Aventis
Sierra Club
The Blackstone Group L.P.
Twitter Inc.
Vivint Solar Inc.
WPX Energy Inc.
White Castle Management Co.

GOVERNMENT AGENCIES

Army Corps of Engineers
Bureau of Land Management
California Environmental Protection Agency
Consumer Financial Protection Bureau
Delaware Court of Chancery
Executive Office of the President
Federal Bureau of Investigation
Federal Energy Regulatory Commission
Federal Trade Commission
Internal Revenue Service
Louisiana Department of Environmental Quality
National Labor Relations Board
Navajo Nation
New York Attorney General's Office
New York State Senate
Occupational Safety and Health Administration
Securities and Exchange Commission
U.S. Army
U.S. Department of Defense
U.S. Department of Justice
U.S. Department of Labor
U.S. Department of the Interior
U.S. Department of the Treasury
U.S. Environmental Protection Agency
U.S. House of Representatives
U.S. Supreme Court
Wisconsin Department of Natural Resources

The California Supreme Court's recent refusal to take up the disqualification of Gibson Dunn & Crutcher LLP amid a privilege dispute in a malpractice litigation has experts worried the case will create a new privilege minefield and invite sanctions for long-accepted practices around waivers and otherwise confidential materials shared with nonlawyers. Here, Law360 looks at three reasons litigators find the California disqualification opinion troubling. [Read more »](#)

Kushner Taps Chadbourne's Abbe Lowell In Russia Probe

Jared Kushner added top white collar defense lawyer Abbe Lowell of Chadbourne & Parke LLP to his legal team in the ongoing U.S. Department of Justice and congressional probes over alleged ties between Russian election meddling and the Trump campaign, Law360 confirmed Monday. [Read more »](#)

Paul Hastings To Pay \$46.5M In Deal To End ExamWorks Suit

The Delaware Chancery Court is set to consider in September an \$86.5 million deal settling the challenge to Leonard Green & Partners \$2.2 billion purchase of ExamWorks Group Inc., with Paul Hastings LLP, accused of aiding and abetting alleged fiduciary duty breaches, responsible for \$46.5 million of that amount. [Read more »](#)

Preet Bharara To Host Podcast At Brother's Media Firm

Ex-U.S. Attorney Preet Bharara surprised legal and media communities on Monday when he revealed he's taking his tweets to the next level by joining his brother Vinit's media company Some Spider Studios as an executive vice president and podcast host. [Read more »](#)

NJ Ethics Committees Bar Attys From Legal Services Sites

A trio of New Jersey ethics committees has barred Garden State lawyers from using legal services companies Avvo, Rocket Lawyer and LegalZoom after ruling that they have violated professional conduct rules. [Read more »](#)

Ropes & Gray Unveils Name For New Patent Prosecution Firm

Ropes & Gray LLP has a name and two lead partners for its new patent prosecution and intellectual property rights management spinoff, the firm said Monday, bringing it a step closer to launching its new venture with 100 attorneys and staff, including a merger with boutique Shvarts & Leiz LLP. [Read more »](#)

Plaintiffs Bar Perspective: Susman Godfrey's Matthew Berry

Cases are typically decided based on a relatively small number of key issues. It is critical not only to identify those key issues at the outset of the case, but to also plot a strategy for getting them resolved in your favor, says Matthew Berry of Susman Godfrey LLP. [Read more »](#)

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